

EXHIBIT E

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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

13 GLINT INC., a Delaware corporation,

14 Plaintiff,

15 v.

16 PERCEPTYX, INC., a California corporation;
17 MITCHELL ANDERSON, an individual; and
18 DOES 1 through 10, inclusive,

19 Defendants.

20 CASE NO. 3:18-cv-02886-CRB

21 **PLAINTIFF'S REQUESTS FOR PRODUCTION
22 OF DOCUMENTS AND THINGS TO
23 DEFENDANT PERCEPTYX, INC.
24 (SET ONE)**

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Pursuant to the Court's order granting Glint Inc.'s ("Glint") motion for expedited discovery and Rules 26 and 34 of the Federal Rules of Civil Procedure, Glint requests that Defendant Perceptyx, Inc. ("Perceptyx") respond in writing to each of the following Requests and produce the documents and things requested for inspection and copying, in accordance with the definitions and instructions set forth below, at the offices of Fenwick & West LLP, 801 California Street, Mountain View, California 94041, within seven (7) calendar days of service.

DEFINITIONS

1. The terms "**You**," "**Your**," "**Defendant**," or "**Perceptyx**" mean and include, collectively and/or individually, Perceptyx, Inc., and its parents, subsidiaries, affiliates, predecessors or successor companies, if any, and its current and former officers, directors, employees, consultants, attorneys, authorized agents, sales representatives, distributors, dealers, direct and indirect contractors, and/or all other **Persons** acting or purporting to act on its behalf.

2. The term "**Anderson**" means and includes, collectively and/or individually, Mitchell Anderson., and/or all other **Persons** acting or purporting to act on his behalf.

3. The terms "**Plaintiff**" or "**Glint**" mean and include, collectively and/or individually, Glint Inc., and its subsidiaries, affiliates, corporate divisions, predecessors or successor companies, if any, and its current and former officers, directors, employees, consultants, attorneys, authorized agents, sales representatives, distributors, dealers, direct and indirect contractors, and/or all other **Persons** acting or purporting to act on its behalf.

4. The terms "**Person**" or "**Persons**" shall include both natural persons, corporate or other business entities, and all other forms of legal entities, and shall include, but is not limited to, the following: corporations, partnerships, joint ventures, associations, business organizations, trade organizations, standards organizations, and sole proprietorships.

5. The terms "**Document**" or "**Documents**" have the broadest meaning accorded that term by Fed. R. Civ. P. 34(a) and includes, but is not limited to, all of the items defined in Fed. R. Evid. 1001, and all preliminary and final drafts of any such item. The terms shall include, but not be limited to, all written, electronic, phonic, graphic, and recorded matter of every type and description and every tangible thing that is or has been in **Your** possession, custody, or control, to

which **You** have access or of which **You** have knowledge. “**Document(s)**” shall also include, but shall not be limited to, the following items, whether printed or recorded or reproduced by hand: agreements, contracts, leases, communications (including intra-company communications), electronic mail, data from Personal Digital Assistants (including handheld computers and “smart phones,”), correspondence, postings on intranet or internet forums or websites (such as web pages and web logs or blogs), faxes, memoranda, records, books, diaries, notebooks calendars (paper, electronic and otherwise), telephone and other logs, telephone and other bills, voicemail and transcriptions thereof, recorded distributions, forecasts, statistical statements, accounts, invoices, purchase orders, receipts, billing records, tapes, expense vouchers, minutes, summaries and other records of meetings, conferences, negotiations, conversations, investigations and interviews, sales brochures and literature, advertisements, price lists, trade letters, press releases, stenographic, handwritten and any other notes, projections, working papers, checks (front and back), check stubs and receipts, models, surveys, devices, pictures, photographs, films, computer records, data compilations, and voice and video recordings. “**Document(s)**” shall not be limited in any way as to the form of storage (such as paper, magnetic tape, magnetic disk, CD-ROM, DVD, optical disk, flash memory drive, or other storage device). A draft or non-identical copy is a separate document within the meaning of this term.

6. The terms “**Communication**” or “**Communications**” refer to any exchange of information by any means of transmission and the sending or receipt of information of any kind by or through any means, including but not limited to speech, writings, documents, language (machine, foreign or otherwise) of any kind, computer electronics or electronic data, sound, radio or video signals, telecommunications, telephone, teletype, facsimile, photographic film of all types or other media of any kind. The terms “**Communication**” and “**Communications**” also include, without limitation, all meetings, notices, requests, response, demands, complaints, press, publicity or trade releases, and postings on intranet or internet forums or websites (such as web pages and web logs or blogs).

7. The term “**Concerning**” means pertaining to, mentioning, commenting, describing, analyzing, dealing with, resulting from, constituting, including, comprising, consisting

of, containing, referring to, reflecting, discussing, showing, stating, explaining, contradicting, providing context to, evidencing, concerning, or recording a particular subject in whole or in part, either directly or indirectly, or being in any way logically or factually connected with the matter discussed or identified.

8. The terms "or" and "and" shall be read in the conjunctive and in the disjunctive wherever they appear, and neither of these words shall be interpreted to limit the scope of these Requests.

9. The words "any," "all," and "each" shall be construed as "all and each."

10. The use of a verb in any tense shall be construed as the use of the verb in all other tenses.

11. The singular form of any word shall be deemed to include the plural. The plural form of any word shall be deemed to include the singular.

INSTRUCTIONS

1. In responding to the following requests, furnish all available **Documents**, including documents in the possession, custody, or control of any of your attorneys, directors, officers, agents, employees, representatives, associates, investigators or division affiliates, partnerships, parents or subsidiaries, and persons under your control, not merely documents in your direct possession.

2. All **Documents** shall be organized and produced pursuant to Rule 34(b) of the Federal Rules of Civil Procedure.

3. Electronic records and computerized information must be produced in an intelligible format, together with a description of the system from which they were derived sufficient to permit rendering the records and information intelligible. Electronic information must be produced in native format.

4. If You are unable to comply with a demand for any Document in full, You are requested to specify, pursuant to Federal Rule of Civil Procedure 34, whether Your inability to comply is because the Document has never existed, has been destroyed, has been lost, misplaced or stolen, and/or has never been, or is no longer in Your possession, custody or control. The

1 statement shall set forth the name and address of any **Person** or organization known or believed
 2 by **You** to have possession, custody, or control of the **Document**.

3 5. If any information requested is claimed to be privileged, immune from discovery
 4 or otherwise not discoverable, **You** are requested to provide all information falling within the
 5 scope of the document request which is discoverable, and for each item of information contained
 6 in a document to which a claim of privilege is made, **You** must identify such document in a
 7 privilege and/or redaction log pursuant to Federal Rule of Civil Procedure 26(b)(5), such
 8 identification to include at least the following:

- 9 (1) the basis on which the privilege is claimed;
- 10 (2) the names and positions of the author of the document and all other persons
 participating in the preparation of the document;
- 11 (3) the name and position of each individual or other person to whom the
 document, or a copy thereof, was sent or otherwise disclosed;
- 12 (4) where not apparent, the relationship of the author, writer, sender, initiator,
 addressee or any other recipient with each other;
- 13 (5) the date of creation or transmittal indicated on each document, or an
 estimate of that date, indicated as such, if no date appears on the document;
- 14 (6) a description of any accompanying material transmitted with or attached to
 such document;
- 15 (7) the number of pages in such document;
- 16 (8) the particular document request to which such document is responsive; and
- 17 (9) the general subject matter and whether any business or non-legal matter is
 contained or discussed in such document.

24 6. Each Request for **Documents** seeks production of all **Documents** described along
 25 with any attachments, drafts, and non-identical copies in any language whatsoever, in the
 26 possession, custody or control of **You** or **Your** respective agents or all available information,
 27 including such information as becomes available to **You** after **Your** answers hereto are served.

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DOCUMENT REQUESTS

DOCUMENT REQUEST NO. 1:

Communications Concerning Anderson from November 1, 2017 to May 1, 2018.

DOCUMENT REQUEST NO. 2:

5 Copy of **Anderson**'s offer letter, confidentiality agreement, and personnel file
6
Concerning his employment at Perceptyx.

DOCUMENT REQUEST NO. 3:

8 **Documents** exchanged with or otherwise **Concerning** customers and prospective
9 customers identified by **Anderson** or in which he was otherwise involved from February 1, 2018
10 to present.

DOCUMENT REQUEST NO. 4:

12 Inspection of any laptop, hard drive and/or portable storage device issued by **You** to
13 **Anderson.**

DOCUMENT REQUEST NO. 5:

15 **Documents** sufficient to show **Your** competitive intelligence, market analysis, sales and
16 marketing plans, marketing budgets, and marketing expenditures and costs **Concerning**
17 counterselling or competing against **Glint**.

DOCUMENT REQUEST NO. 6:

19 Your server logs showing information regarding access from any **Perceptyx** computer to
20 **Glint**'s website, G-Suite, and Gmail, including but not limited to access from **Perceptyx**'s IP
21 addresses 108.47.186.2 and 173.196.216.2 to **Glint**'s IP address 52.52.214.110, from November
22 2017 to present.

DOCUMENT REQUEST NO. 7:

24 **Documents Concerning Glint** retained, accessed and/or disclosed by **Anderson** to
25 **Perceptyx**, including but not limited to customer lists, customer contact information, pricing,
26 service offerings, product features, customer proposals, pricing tool or calculator, benchmarking,
27 project plans, software architecture, SaaS agreement(s), screenshots of **Glint**'s product or
28 services, **Glint**'s survey questions and related materials, videos of product demos, price quotes,

1 any data from **Glint**'s Salesforce account, or other product information.

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3 Dated: _____, 2018

FENWICK & WEST LLP

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5 By: _____
6 Patrick E. Premo

7 Attorneys for Plaintiff
8 GLINT INC.
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FENWICK & WEST LLP
ATTORNEYS AT LAW